

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,673	(01/18/2001	Ram K. Ramesh	D-42035-06	8627
28236	7590	01/20/2006		EXAMINER	
CRYOVA	•		HARMON, CHRISTOPHER R		
SEALED A				ADTIBUT	D. DED 344 (DED
P.O. BOX 4	464		ART UNIT	PAPER NUMBER	
DUNCAN,	SC 29334	4	3721		
				DATE MAILED: 01/20/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Applic	ation No.	Applicant(s)					
	09/764	4,673	RAMESH ET AL.	RAMESH ET AL.				
Office Action Summa	ry Exami	ner	Art Unit					
	Christo	opher R. Harmon	3721					
The MAILING DATE of this cor	nmunication appears on	the cover sheet wi	th the correspondence add	dress				
Period for Reply	05 505 550 V IO 05	T TO EVDIDE 0 M	ONTHIC OR THEFTY (2)	0) DAVC				
A SHORTENED STATUTORY PERI WHICHEVER IS LONGER, FROM T - Extensions of time may be available under the proafter SIX (6) MONTHS from the mailing date of th - If NO period for reply is specified above, the maxi - Failure to reply within the set or extended period for Any reply received by the Office later than three nearned patent term adjustment. See 37 CFR 1.70	HE MAILING DATE OF ovisions of 37 CFR 1.136(a). In no is communication. In many statutory period will apply an or reply will, by statute, cause the nonths after the mailing date of this	THIS COMMUNIC o event, however, may a ro nd will expire SIX (6) MON application to become AB	CATION. eply be timely filed THS from the mailing date of this co BANDONED (35 U.S.C. § 133).					
Status								
1) Responsive to communication	(s) filed on 11/10/05.							
2a)⊠ This action is FINAL .								
3) Since this application is in cond								
closed in accordance with the	practice under <i>Ex part</i> e	Quayle, 1935 C.D	. 11, 453 O.G. 213.					
Disposition of Claims								
4)⊠ Claim(s) <u>29-57</u> is/are pending	in the application.							
4a) Of the above claim(s)		consideration.						
5) Claim(s) is/are allowed.								
6) Claim(s) 29-57 is/are rejected.								
7) Claim(s) is/are objected								
8) Claim(s) are subject to	'estriction and/or electio	n requirement.						
Application Papers								
9)☐ The specification is objected to	by the Examiner.							
10)☐ The drawing(s) filed on i	s/are: a)□ accepted or	r b)□ objected to	by the Examiner.					
Applicant may not request that an	y objection to the drawing(s) be held in abeyan	ice. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) inc		•	· ·					
11)☐ The oath or declaration is object	ted to by the Examiner.	Note the attached	Office Action or form P1	O-152.				
Priority under 35 U.S.C. § 119								
12)☐ Acknowledgment is made of a	claim for foreign priority	under 35 U.S.C. §	119(a)-(d) or (f).					
a)□ All b)□ Some * c)□ None	of:							
	1. Certified copies of the priority documents have been received.							
2. Certified copies of the pr				-				
·			received in this National	Stage				
application from the Inte * See the attached detailed Office			received					
See the attached detailed Office	action for a list of the co	eruned copies not	received.					
Attachment(s)								
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Re 	view (PTO-048)		Summary (PTO-413) s)/Mail Date					
Notice of Draftsperson's Patent Drawing Re- Information Disclosure Statement(s) (PTO-1 Paper No(s)/Mail Date			nformal Patent Application (PTC)-152)				

Application/Control Number: 09/764,673 Page 2

Art Unit: 3721

DETAILED ACTION

Claim Objections

1. Claim 49 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 29-38 and 40-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 3,130,647) in view of Ohya (EP 0149321).

Anderson et al. disclose a process for making a backseamed casing comprising preparing a multilayer heat shrinkable film, wrapping the film longitudinally around a forming shoe with opposing edges overlapped and sealed forming a backseam while

Application/Control Number: 09/764,673

Art Unit: 3721

forwarding the film; see figure 13. Anderson discusses varying the thickness of at least one ply of the multilayer web; see column 3, lines 10-15 and lists possible materials such as "polyethylene, styrene, nylon, vinylidene and chloride fluorocarbon plastic being representative, but not exclusive.", column 4, lines 7-8. Ohya teaches preparing a multilayer heat shrinkable film comprising a first and third outer layers comprising anhydrous polyolefin (preferred list page 6, 2nd paragraph); second layer comprising polyester or a first polyamide of 5 to 40% thickness (of total); fourth layer of VDC (O2 barrier layer); see page 2 and 11. It would have been obvious to one of ordinary skill in the art to use the materials as taught by Ohya in the invention to Anderson et al. for manufacturing the backseamed casing.

Regarding claim 45, Anderson et al. disclose a lap seal (figure 2).

Limitations such as vicat softening points of 90 degrees (claim 33), 9% by weight of unsaturated acid mer present (claim 34), variations of layering, etc. are obvious design choices and at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the desired polymer layer.

Regarding claim 48, Anderson does not disclose the first outer layer consisting of a blend of a propylene/ethylene copolymer and homogeneous ethylene/alpha-olefin copolymer having a density of less than .9 g/cc making up a majority of the first outer layer.

Application/Control Number: 09/764,673

Art Unit: 3721

5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 3,130,647) in view of Ohya (EP 0149321) in further view of Schirmer (US 4,448,792).

Anderson et al. do not directly disclose three to six layers of film forming the multilayer film, however Schirmer teaches constructing a thermoplastic heat shrinkable multilayer (six layers) bag, see figures 1 and 2. Schirmer also teaches oxygen barrier layer 14 comprising polyvinylidene chloride copolymer. The casing film shrinks in near boiling water or 185 degrees F, see column 4, lines 43-45. Schirmer discloses using propylene homopolymers or copolymers for a specific layer (see column 3, lines 58-67). It would have been obvious to one of ordinary skill in the art to add layers as taught by Schirmer in the modified invention to Anderson et al.

Response to Arguments

6. Applicant's arguments filed 11/10/05 have been fully considered but they are not persuasive. Regarding Anderson et al., the forming shoe includes forming surface 43 which extends inside (ie. completely encircled) the longitudinally wrapped web in order to form the backseam. While the web does wrap around the inner surface of the cylindrical portion of the former/shoe, element 43 is considered an essential part of the forming shoe; see figure 13.

Regarding the common knowledge modification previously taken (Official Notice), in order to adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37

Application/Control Number: 09/764,673

Art Unit: 3721

CFR 1.111(b). See MPEP 2144.03(c) and also Chevenard, 139 F.2d at 713, 60 USPQ at 241. Therefore the common knowledge modifications in above paragraph 3 are taken to be admitted prior art.

Regarding the arguments against the obviousness of the combination, secondary considerations of evidence of unexpected results are given added weight and/or consideration when in the form of an affidavit or declaration filed under 37 CFR 1.132.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

Art Unit: 3721

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER

ch